



The Salisbury Planning Board held its regular meeting Tuesday, January 22, 2008, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Karen Alexander, Dr. Mark Beymer, Robert Cockerl, Richard Huffman, Sandy Reitz, Jeff Smith, Valerie Stewart, Albert Stout, and Diane Young

ABSENT: Tommy Hairston and Craig Neuhardt

STAFF: Dan Mikkelson, Preston Mitchell, Diana Moghrabi, and David Phillips

Dr. Mark Beymer, Chair, called the meeting to order and offered an invocation. The minutes of the January 8, 2008, meeting were approved as submitted. The Planning Board adopted the agenda as submitted.

NEW BUSINESS

A. Consider Goals

1. 2007-2008 Highlights

- The Planning Board's number one goal this year was to review and provide a recommendation on the proposed Land Development Ordinance which has been adopted by Council.
- The North Main Small Area Plan was completed and Planning Board made a unanimous recommendation to adopt the plan at the June 26 meeting. Staff looks to provide the best project for Council's North Main neighborhood special project allocation.
- The Comprehensive Bicycle Plan consultant (Wilbur Smith) is preparing a draft plan and will present it to staff and the steering committee the first part of February 2008.
- The American Planning Association led an online interactive training session on LEED for Neighborhoods. In addition, Planning Board held an annual board training session with city staff from Salisbury Land Management and Development divisions this past spring.

- With the new code now complete and adopted, Planning Board is now able to devote time to the Hwy 70 / Statesville Boulevard Corridor Study and other long-range planning efforts.

2. 2008-2009 Goals

The recommended goals in order of importance:

- Planning Board Legislative Committee will convene in March to begin the study and development of the Hwy 70 / Statesville Boulevard Corridor Plan.
- Planning Board Legislative Committee will convene in May to begin the study and development of the Hwy 29 & I-85 Corridor Subarea Plan.
- Planning Board Legislative Committee will convene in July to begin the study and development of the Faith Road, Jake Alexander Boulevard, Stokes Ferry Road Small Area Plan.
 - All three (3) of the above plans will get underway with the knowledge that resources may be reallocated depending on real-time changes and situations occurring throughout the year.
- As the Land Development Ordinance is implemented and administered, Planning Board will continue to monitor the Technical Review Committee (TRC) via the board-appointed TRC liaison. Monitor means that the Planning Board recognizes their responsibility as an ex-officio member and looks to keep the board abreast of all TRC actions, issues, concerns, etc.
- Conduct a minimum of three training exercises for Planning Board—one of which will focus on the Land Development Ordinance.

Jeff Smith made a MOTION to accept the submitted goals. Albert Stout seconded the motion with all members voting AYE. (9-0) Diane Young suggested emphasizing the Planning Board training goal regarding the Land Development Ordinance and concentrate on conditional districts; this training should occur soon.

These goals and highlights will be presented to City Council February 5.

B. LDO Text Amendment, LDOA-01-08

Amendments to various chapters and sections of the newly adopted Land Development Ordinance were submitted under separate cover. These amendments were presented to

“fix” omissions and errors overlooked prior to the adoption of the ordinance and do not significantly change the intent of the code. Many of these items were discovered during “pre-application meetings” with staff and developers.

Changes include the airport zoning overlay which existed in the old code and was omitted in the new code. It is added in as an appendix. Preston Mitchell continued to review these “emergency fixes” that are attached at the end of these minutes.

Karen Alexander made a MOTION to approval all of the items. Jeff Smith seconded the motion with all members voting AYE. (9-0)

OTHER BOARD BUSINESS

- Price Wagoner did officially resign from the Planning Board. Appointments to the Planning Board will be made during the normal cycle of appointments at the end of March. Planning Board will conduct business for the next few months as an 11-member board.
- Craig Neuhardt has agreed to be the Planning Board representative for the Technical Review Committee (TRC). Robert Cockerl will serve as an alternate. A motion was made and seconded, with all members voting AYE, in approval of these two TRC representatives.
- There was a discussion on Conditional Districts.
- Jeff Smith requested Planning Board receive a report or list of staff approvals.

The next meeting will be February 12, 2008.

There being no further business to come before the Planning Board, the meeting was adjourned at 4:48 p.m.

Dr. Mark Beymer, Chair

Diane Young, Vice Chair

Secretary, Diana Moghrabi

Airport Zone Overlay (AZO). The zones and restrictions established in this subsection are designed to limit the height of structures surrounding the county airport's established elevation of 771' above mean sea level (msl) in order to prevent hazards to the lives and property of the users of the airport and the occupants of land in the vicinity.

A. **Uses allowed.** The use requirements of the underlying district apply to the AZO district. However, all uses must be in conformance with the provisions of this section.

B. **Establishment of zones.** To carry out the provisions of this section, there are hereby created and established certain civil airport imaginary surfaces which include all of the land lying beneath the approach surface, transitional surface, horizontal surface, conical surface and primary surface. These civil airport imaginary surfaces are established with relation to the Rowan County Airport runway and proposed extensions of thereof. Such imaginary surfaces are shown on the Official County Airport Zoning Map prepared by the Rowan County Planning Department and dated October 4, 2004, which is adopted and incorporated herein by reference. The size of each such imaginary surface is based on the categorization of this runway as a *precision instrument runway*. The slope and dimensions of the imaginary surfaces, applied to each end of a runway, are determined by the most precise approach existing or planned for the runway end. The surfaces are hereby established and defined as follows.

1. *Horizontal surface.* A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs with a radius of 10,000 ft from the center of each end of the primary surface of each end of the runway, including any planned extensions, and connecting the adjacent arcs by lines tangent to those arcs.
2. *Conical surface.* A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
3. *Primary surface.* A surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 1,000 feet as required for precision runway landings
4. *Approach surface.* A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.
 - i. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 16,000 feet as provided for precision instrument runways.
 - ii. The approach surface extends for a horizontal distance of 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40:1.
5. *Transitional surface.* These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

C. **Height limitations.** Except as otherwise provided in this article, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow within the AZO district extending or projecting into the lowest applicable imaginary surfaces defined herein.

Chapter 18: Definitions

Approach Surface means the surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 16,000 feet as provided for precision instrument runways. The approach surface extends from the primary surface along the extended runway centerline for a horizontal distance of 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40:1.

Horizontal surface means a horizontal plane 150 feet above the established airport elevation of 771' mean sea level, the perimeter of which is constructed by swinging arcs with a radius of 10,000 ft from the center of each end of the primary surface of each end of the runway, including any planned extensions, and connecting the adjacent arcs by lines tangent to those arcs.

Instrument land system (ILS) means a radio navigation system which provides aircraft with horizontal and vertical guidance prior to and during landing, and at certain fixed points, indicates the distance to the reference point of landing.

Precision instrument runway means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA approved airport layout plan; a military service approved military airport layout plan; any other FAA planning document, or military service military airport planning document.

Primary surface means a surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 1,000 feet as required for precision runway landings.

Transitional surface means the surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

2.6 Overlay Districts

Pursuant to North Carolina General Statute 160A-382, the following overlay districts are established. There are two types of overlay districts within this Ordinance: Fixed Overlay Districts and Floating Overlay Districts.

Fixed Overlay Districts

A. G-EIO: Gateway – East Innes Street Overlay

Appendix A of this LDO. These specific overlay provisions were adopted under Ordinance 2003-57 on September 2, 2003 and remain in full force and effect.

B. AZO: Airport Zoning Overlay

Appendix D of this LDO. These specific overlay provisions were adopted under Ordinance 2005-06 on February 1, 2005 and remain in full force and effect.

B C. LHO: Local Historic Overlay

1. **Purpose and Intent:** The historical heritage of Salisbury is one of our most valued and important assets. The Local Historic Overlay (LHO) District is created to encourage the restoration, preservation, rehabilitation, and conservation of districts, buildings, sites, and objects with historical and/or architectural significance and to prevent the decline, decay, and/or demolition of such districts, buildings, sites, and objects.
2. **Uses Permitted:** All uses permitted in the underlying zoning district shall be permitted in the LHO. Regulations of this Section shall not be interpreted to further regulate the use of the structures in the underlying zoning districts.
3. **Regulation of Exterior Features:** No exterior feature of any building or other structure, landscape or natural feature, above-ground utility structure or any type of on-premise sign shall be erected, altered, restored, moved or demolished within an LHO until an application for a Certificate of Appropriateness has been submitted to and approved by the Historic Preservation Commission. Exterior features include the architectural style, general design, color and general arrangement of the exterior of the building or other structure, including the kind and texture of the building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, exterior features refer to the style, material, size, color, and location of all such signs.
4. **Features Not Considered:** The Historic Preservation Commission shall not consider interior arrangement nor take any action to restrict interior changes except for the purpose of preventing the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, or outdoor advertising signs in the LHO which would be incompatible with its historic aspects.

- a) Nothing herein shall be construed to prevent a property owner from making any use of his or her property not prohibited by other statutes, Ordinances or regulations.
- b) The commission may enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the commission may enter any private building or structure without express consent of the owner or occupant thereof.
- c) Except as provided in paragraph (4) below, the commission shall have no jurisdiction over interior arrangement and shall take no action except to prevent the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, outdoor advertising signs, or other significant features which would be incongruous with the special character of a landmark or of the district.
- d) Notwithstanding paragraph (3) above, the jurisdiction of the commission over interior spaces shall be limited to specific interior features of architectural, artistic or historical significance in publicly owned designated landmarks; and of privately owned historic landmarks for which consent for interior review has been given by the owner. Said consent of any owner for interior review shall bind future owners and/or successors in title, provided such consent has been filed in the office of the register of deeds and indexed accordingly to the name of the owner of the property in the grantee and grantor indexes. The landmark designation shall specify the interior features to be reviewed and the specific nature of the commission's jurisdiction over the interior.
- e) The ordinary maintenance or repair of any exterior architectural feature of a landmark, or in the Historic District 'A' which does not involve a change in design, material, color or outer appearance thereof, shall not be prevented by the requirements pertaining to the designated landmark or historic district.
- f) Nothing in this article shall be construed to prevent (a) the maintenance or (b) in the event of an emergency, the immediate restoration of any existing above-ground utility structure without approval by the commission.
- g) The construction, reconstruction, alteration, restoration, moving or demolition of any exterior architectural features, which the city code inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition, shall not be prevented by the requirements pertaining to the landmark, or the historic district.

E D. WPO: Watershed Protection Overlay

1. **Purpose and Intent:** The purpose and intent of this Section is to regulate the development and land-use density in certain watershed areas in order to limit water supply watershed exposure to non-point source discharge and pollution. The non-point source discharge can contribute biological contamination, turbidity from soil erosion and sedimentation, nutrient enhancement, and heavy

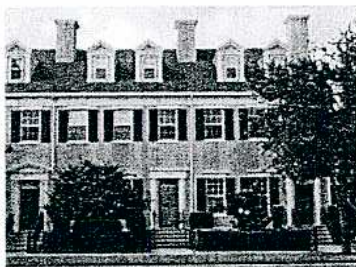
- C. Minor additions or modifications to any principle building existing upon the effective date of this Ordinance are exempt from the provisions of this chapter, except for the applicable dimensional bulk standards and those requirements in Section 5.6.D, Encroachments. Minor addition shall mean any addition to the principle building that is less than 25% of the gross floor area. Minor modification shall mean any work requiring a Zoning Permit that is valued less than 25% of the Rowan County assessed valuation.
- D. Except where specific provisions and dimensional standards in this chapter apply, accessory and temporary buildings shall follow the general lot and structure (Ch. 6) provisions of this Ordinance.
- E. Where specific architectural elements are required as part of an adopted plan or associated with local historic guidelines, those ~~requirements~~ guidelines shall supersede ~~the building~~ any conflicting design requirements of this chapter.

5.4 Introduction to Building Types

- A. **Residential Building Types:** The general residential buildings types are as follows: House, Townhouse, and Apartment, including manufactured housing. Adjacent buildings should relate in similarity of scale, roof pitch, height, architectural elements, and/or lot configuration.



- 1. **House:** A House is a detached building located on one (1) parcel or lot that is flexible in use, accommodating single-family residences, multi-family residences up to four units, home occupations, professional offices, and limited retail uses based on the zoning district in which it is located. The two basic House building types – Street-Access House and Alley-Access House – are a function of how the lot is accessed by automobile.



- 2. **Townhouse:** A Townhouse is one of a row of attached houses, or live-work units, joined by common sidewalls and where each house/unit is located on an individual parcel or lot. When an entrance is provided at-grade, the townhouse may be used as a live-work unit. The use permitted within the building is determined by the district in which it is located. The Townhouse typically has 1 yard (rear) though variations include a small front setback to provide some landscaping.



- 3. **Apartment:** A multiple-unit building containing more than four (4) dwelling units vertically arranged (generally). The ground floor may be available for commercial uses. The uses permitted within the building are determined by the district in which the building is located. The Apartment building typically has 1 yard (Rear) though variations include a small front setback to provide some landscaping.

5.7 General Provisions for Residential Building Types

A. Materials

1. **Building Walls:** Building walls *(including accessory structures greater than 420 144 sf)* shall be primarily clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, wood board and batten, brick, stone, stucco, vinyl, or synthetic materials similar and/or superior in appearance and durability. EIFS may be used above 8 feet from the base of residential buildings except for House building types. When two or more materials are used on a façade, the visually heavier material (i.e. masonry) should be placed below the lighter material (i.e. siding) to give the sense of support and grounding.
2. **Roofs:** Roofs shall be clad in wood shingles, asphalt shingles, standing seam metal, terne, slate, or synthetic materials similar and/or superior in appearance and durability.

B. Construction Methods

1. **Roof Pitch:** Main roofs on residential building types shall be symmetrical gables or hips with a pitch between 6:12 and 12:12 or flat roofs (< 3:12) with a parapet wall. However, the Infill Provisions of this Ordinance may permit or require a variation to these roof pitch requirements. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall be less than 4:12. A monopitch (shed) roof is permitted when incidental to the main gable, hip, or flat roof and all monopitch (shed) roofing shall be greater than or equal to a 4:12 pitch.
2. **Crawlspace:** The crawlspace shall be enclosed.
3. **Overhanging Eaves:** Overhanging eaves may expose rafters and shall project a minimum of six (6) inches from the building face or with a gutter.

5.8 Specific Provisions for HOUSE Building Type

A. Applicability of House Design Requirements Based on Lot Dimension

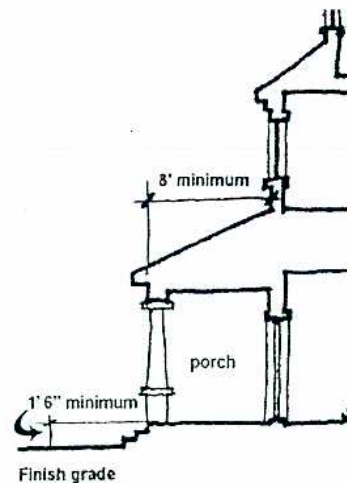
LOT DIMENSION		(5.16) Dimension Standards	(5.6) (5.7) General Provisions	Front Porches	Street or Alley Access	(5.8.C) Attached or Detached Garage	(5.8.D) Design Element Provisions
	30 – 39 ft wide	Required	Required	Required	Alley(1)	Detached Only	Required
	40 – 54 ft wide	Required	Required	Optional	Alley(1)	Attached or Detached	Required
	55 – 69 ft wide	Required	Required	Optional	Alley or Street(1)	Attached or Detached	Required
	70+ ft wide <i>and</i> setback less than 40 ft	Required	Optional(2)	Optional	Alley or Street(1)	Attached or Detached	Optional
	70+ ft wide <i>and</i> setback 40 ft or greater	Required	Optional(2) Not Applicable (2,3)	Optional Not Applicable (3)	Alley or Street(1) Not Applicable (3)	Attached or Detached Not Applicable (3)	Optional Not Applicable (3)

Notes: 1. Exception for infill parcels. See Infill Provisions of Ch. 6
 2. Provisions for Manufactured Housing shall still apply to these lots
 3. Section 5.6.A, Sections 5.7.A & B, and all of the Specific Provisions for HOUSE type (Section 5.8) shall be exempt from these lots

B. Street Façade Provisions

1. **Front Porch:** Front porches, if used, shall be at least 8 feet deep and extend more than 40% of the façade.
2. **Raised Entrance**

- a) A house 20 feet from the sidewalk or closer shall have the primary entrance and lowest floor above grade raised above the sidewalk grade a minimum of 1½ feet. This provision shall not prevent the construction of a basement or lower floor when the lot slopes down and away from sidewalk grade.
- b) A house between 20 and 40 feet from the sidewalk shall be raised a minimum of 1 foot.



6.5 Accessory Buildings and Structures

- A. **Applicability:** The construction of an accessory building or structure is not permitted unless a principal building is located on the lot. Accessory and principal buildings or structures may be constructed concurrently.

B. General Building Requirements

1. **Location:** Accessory buildings shall be located only in side or rear yards for non-corner residential lots.
2. **Maximum Lot Coverage:** Accessory buildings shall not cover more than 40 percent of the required side and rear yards.
- ✓ 3. **Building and Roof Materials:** Accessory buildings greater than ~~420~~ 144 square feet shall ~~conform to be constructed of any of the applicable building wall and roof materials section of this Ordinance based on~~ be constructed of any of the applicable building wall and roof materials section of this Ordinance based on that are required for the building type of the principle structure.

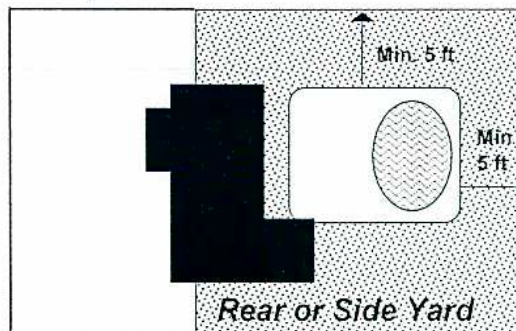
C. ~~Permitted Structures~~

- ~~1.4. The following structures are permitted as a~~ Accessory buildings may include but not be limited to the following type of structures:

- | | |
|-----------------------|---|
| ▪ Parking | ▪ Artist Studio Space |
| ▪ Gazebo | ▪ Sauna |
| ▪ Pool House | ▪ Workshop |
| ▪ Equipment Enclosure | ▪ Conservatory/Greenhouse |
| ▪ Garage/Carport | ▪ <u>Barn, in the applicable district</u> |

D. C. Pools

1. All pools, whether above-ground or in-ground, shall be located in the side or rear yards. The definition of a pool shall include all buildings and walks or patio areas of cement, stone, or wood, at or above grade, built for and used in conjunction with the pool.



2. Pools, as defined above, shall be set back a minimum of five (5) feet from all side and rear property lines. Patio areas at grade have no setback requirements from rear and side lot lines.

15.3 Public Notification for Public Hearings

Public notification made in the manner described below is required for ~~Special Use Permits~~, Map Amendments (Rezoning), Text Amendments, Conditional Districts, and Vested Rights ~~public hearings~~. ~~Notification of these and all required public hearings shall be as follows.~~ Public notification for Special Use Permits and Variance public hearings shall be made in the manner as described in B, C, and D.

- A. **Newspaper Notice:** A notice shall be published in a newspaper having general circulation in the City once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the hearing.
- B. **Notice to be posted in City Hall:** Notice shall also be posted in a conspicuous location in City Hall at least ten (10) days prior to the public hearing. Both notices shall indicate the nature of the public hearing and the date, time and place at which it is to occur.
- C. **Sign to be Posted:** A prominent sign shall be posted on the subject property(ies). Such notice shall state a phone number to contact during business hours for additional information. The sign shall remain until after the decision-making authority has rendered its final decision. When multiple parcels are involved in the petition, each parcel is not required to be posted.
- D. **First-Class Mail Notification:** A notice of the proposed section of the proposed action shall be sent by first class mail by the Administrator to the following owners of property as shown on the county tax listing; the property in question, all parcels of land abutting that parcel (including land immediately across a public street or alley), and all parcels of land within 100 feet of that parcel.
- E. **Alternate Notification for Rezoning more than 50 Properties:** First-class mailed notification shall not be required when the zoning reclassification action directly affects more than 50 properties, owned by a total of at least 50 different property owners. In this case, the City shall publish once a week for two successive calendar weeks in a newspaper having general circulation in the area with a map showing the boundaries of the area affected by the proposed Ordinance or amendment. The map shall not be less than one-half of a newspaper page in size. The notice shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the City's jurisdiction or outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by mail pursuant to this section. The person or persons mailing the notices shall certify to the City Council that fact, and the certificates shall be deemed conclusive in the absence of fraud. In addition to the published notice, the City shall post one or more prominent signs on or immediately adjacent to the subject property area reasonably calculated to give public notice of the proposed rezoning.

15.4 Administrative Permit Procedures - General Provisions

Upon receipt of a complete application, the Administrator shall approve, approve with conditions, or deny the application. Applications that are denied shall have the reasons for denial, in writing, attached to the application.

- A. **Permit Not Required:** Notwithstanding any other provisions of this Ordinance, a zoning permit is not required for the following uses:
1. Street construction or repair by NCDOT or the City of Salisbury.
 2. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way in accordance with all applicable municipal franchise agreements.
 3. Specific signs exempted in Chapter 12.
 4. Mailboxes, newspaper boxes, fences, flag poles, pump covers and any other structure less than 144 square feet in area.
- B. **Waiver of Certain Application Requirements:** The Administrator may waive certain application requirements if it is determined that the submission of a complete development plan in accordance with Chapter 16, Development Requirements, would serve no useful purpose.
1. Signs
 2. Interior alterations and renovations that require a county building permit which does not alter the footprint or height of an otherwise conforming use and/or structure (i.e. HVAC, re-roofing, steps, or siding) except in a designated Historic District, etc.
 3. Accessory structures for all building types; or
 4. Any enlargement of a principal building by less than ²⁵twenty-five percent (~~20~~25%) of its existing size provided such enlargement will not result in site or landscaping improvements or the expansion of parking areas; or
 5. A change in principal use where such change would not result in a change in lot coverage, off-street parking access or other external site characteristics.
- C. **Expiration of Permit:** Any zoning permit issued in accordance with this Ordinance will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.

15.8 Minor Site Plan

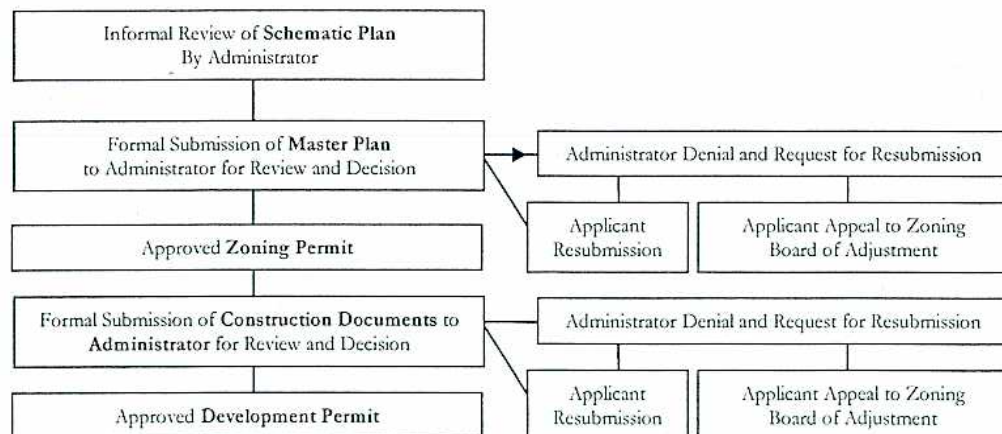
A. Applicability:

- Multi-family development less than 8 units
- Non-residential development or expansion less than 10,000 square feet in gross floor area
- Industrial development

B. Case Management: The Administrator, or their designee, shall assign a case number to all Minor Site Plans for processing and permanent tracking. Following original approval of the case, any and all changes to the plan shall be considered modifications to the original plan and shall be processed under the original case number. Any approved modifications shall fully replace the original approval. Concurrently-approved plans for the same property or properties are prohibited.

C. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Schematic Plan (16.3)	Administrator	For Non-Binding Review Only	n/a
Master Plan (16.4)	Administrator	Review for Completeness & Ordinance Compliance Zoning Permit Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment
Construction Documents (16.5) (if applicable)	Administrator	Review for Completeness & Ordinance Compliance Development Permit Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment



15.9 Major Site Plan

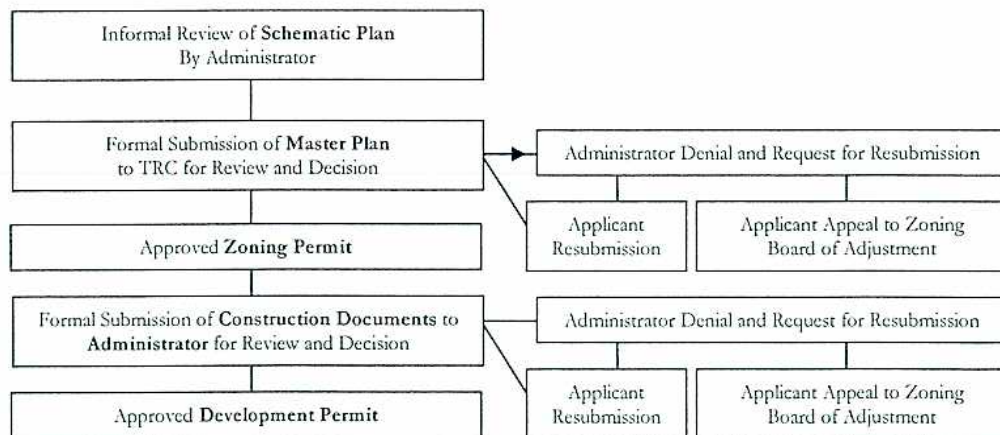
A. Applicability:

- Multi-family development with 8 or more units
- Non-residential development or expansion 10,000 square feet or greater in gross floor area

B. Case Management: The Administrator, or their designee, shall assign a case number to all Major Site Plans for processing and permanent tracking. Following original approval of the case, any and all changes to the plan shall be considered modifications to the original plan and shall be processed under the original case number. Any approved modifications shall fully replace the original approval. Concurrently-approved plans for the same property or properties are prohibited.

C. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Schematic Plan (16.3)	Administrator	For Non-Binding Review Only	n/a
Master Plan (16.4)	Technical Review Committee (TRC)	Review for Completeness & Ordinance Compliance Zoning Permit Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment
Construction Documents (16.5)	Administrator	Review for Completeness & Ordinance Compliance Development Permit Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment



- F. **Time for Decision:** Except for ~~minor variances~~ modification of dimensional standards as noted in Section 15.464.G.1, the Zoning Board of Adjustment shall hold a public hearing on an application no later than 60 days after a complete application has been filed with the Administrator. The Zoning Board of Adjustment shall decide on the matter which was presented at the public hearing within 31 days of the close of the public hearing.
- G. **Effect of Denial-Time to Resubmit:** Upon the denial of an original application, or upon the denial of an application from which a rehearing has been conducted, a similar application may not be filed for a period of one year after the date of denial of the original application.

15.17 Special Use Permits

- A. **Purpose:** Special uses are land uses that are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. Special uses ensure the appropriateness of the use at a particular location within a given zoning district.
- B. **General Requirements:**
1. Only those uses enumerated as Special Uses in a zoning district shall be authorized by the City Council.
 2. The evaluation and approval of the Special Use Permit shall be governed by quasi-judicial proceedings, which are based upon the sworn testimony and evidence presented at the hearing relevant to the following standards:
 - a. The use meets all required principles and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
 - b. The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area; and
 - c. The public health, safety, and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed.
 3. In approving an application for a Special Use Permit, the City Council may attach fair, reasonable, and appropriate conditions on the location, nature, and extent of the proposed use. The City Council may not require the landowner to waive a vested right as a condition of the Special Use Permit approval. The burden of proof of producing evidence to support these Findings and to overcome any challenges that approval of the plan would be contrary to one or more of these Findings shall rest entirely with the applicant or landowner. The applicant shall have up to thirty (30) calendar days to consider and respond to any additional requirements prior to approval or denial by the City Council.

15.21 Conditional Districts

- A. **Purpose:** The Conditional District (CD) is a floating overlay zoning district that exempts specific ordinance provisions so as to encourage innovative site and building design. Although not measured against all provisions of this ordinance, the City will review CD development in light of the adopted Comprehensive Plans in order to provide greater certainty as to the resulting project.

The Conditional District is an alternative zoning process that may permit a mixture of land uses and alternative development standards as may be required to address the unique characteristics of an individual property through a Master Plan. The plan shall be designed such that, at a minimum, the location, integration and arrangement of land uses, buildings, structures, utilities, access, transit, parking, and streets collectively yield a context sensitive development. The CD is not intended to relieve hardships that would otherwise be handled using a variance procedure; rather, the CD is intended as a means of accommodating design innovation and market expectations.

When designing a CD Master Plan, the following chapter and/or section provisions are not applicable. The Master Plan may identify any alternatives to those provisions but when a plan is not providing an alternative, the following provisions shall remain applicable.

1. Sections 2.4.D: District Provisions
2. Sections 5.6.A, 5.7.A&B, 5.8, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17: Building Types and Standards
3. Sections 4.8, 4.10: Subdivisions and Infrastructure
4. Chapter 10: Parking
5. Chapter 11: Lighting

B. **General Requirements:**

1. **Case Management:** The Administrator, or their designee, shall assign a case number to all Conditional Districts for processing and permanent tracking. Following original approval of the case, any and all changes to the plan shall be considered modifications to the original plan and shall be processed under the original case number. Any approved modifications shall fully replace the original approval. Concurrently-approved plans for the same property or properties are prohibited.
2. **Petitioner:** Conditional District zoning shall ~~only~~ be considered only upon the request by the owners, or their duly-authorized representatives, of all property to be included. A CD shall consist of land under unified control which may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers. "Unified control" means that all land to be included within a CD shall be owned or otherwise under the legal control of the person or legal entity which has petitioned for a Conditional District. Such person or entity shall be legally capable of providing a commitment to the city that the CD development will comply with all documents, plans, standards and conditions ultimately approved by the City.

- C. **Ability to Proceed:** The applicant may proceed with development only after adoption of the Conditional District ordinance, approval of the Master Plan and all construction documents, and recordation of any applicable plat with the Rowan County Register of Deeds. The development and use of all land within the Conditional District shall be in keeping with the approved Master Plan and all applicable provisions therein.
- D. **Final Approval by Stages:** If so reflected on the Master Plan, the City Council may allow the staging of development. Each phase of development shall adhere to all applicable provisions and standards of this ordinance and the applicable CD Master Plan.
- E. **Changes:** The following changes to a Conditional District ordinance and/or Master Plan require consideration and approval by City Council. All other changes require consideration and approval by the Planning Board. However, if in the judgment of the Planning Board, the requested changes alter the basic development concept, the Planning Board may require concurrent approval by the City Council.
1. Land area being added or removed from the Conditional District.
 2. Modification of special performance criteria, design standards, or other requirements specified by the ~~enacting~~ Conditional District ordinance.
 3. A change in land use or development type beyond that permitted by the ~~enacting~~ Conditional District ordinance.
 4. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
 5. When there is an increase in the total number of residential dwelling units originally authorized by the ~~enacting~~ Conditional District ordinance.
 6. When the total floor area of a commercial or industrial classification is increased more than ten percent (10%) beyond the total floor area originally authorized by the ~~enacting~~ Conditional District ordinance.
 7. When City Council mandates their consideration and approval, as a condition of approval, if any change or variation is proposed to the CD Master Plan and ~~enacting~~ Conditional District ordinance.
- F. **Rescission of Conditional District for Non-Development:** The petitioner shall secure a valid building or construction permit(s) within a 24-month period from date of approval of the Conditional District unless otherwise specified. If a valid building or construction permit is not in place at the end of the 24-month period, the Administrator shall notify the petitioner. Within sixty (60) days of notification, the Administrator shall make a recommendation concerning the rescission of the Conditional District to the City Council. The City Council may then rescind the Conditional District and revert to the previous base zoning, or extend the life of the Conditional District for a specified period of time.

- H. The location, names, and right-of-way width of any existing streets on or within 300 feet of the land to be subdivided.
- I. Lots of adjacent developed or platted properties.
- J. Zoning classification of the land and adjacent properties.
- K. Illustrative building elevations denoting general design elements and materials.
- ✓ L. If the Schematic Plan is being submitted for Zoning Permit review, then submission of Architectural Building Design Plans (Section 16.12) shall be required in lieu of illustrative building elevations.
- M. Watershed classification, if any.
- N. Floodplain and floodway delineation.
- O. Location of existing public water and/or sewer lines within 300 feet of the property.
- P. Location of existing or proposed thoroughfares within 300 feet of the property as shown on the City's currently adopted thoroughfare plan.

16.4 Master Plan or Preliminary Plat Requirements

The Master Plan or Preliminary Plat shall be drawn to the following specifications and shall contain or be accompanied by the information listed below. All plans shall be submitted at a scale not less than 1 inch = 50 feet unless otherwise authorized by the Administrator. Any Master Plan or Preliminary Plat shall be prepared by a licensed design professional with the appropriate statutory authority. ***No processing or review of a Master Plan or Preliminary Plat shall proceed to the Reviewing Authority without all of the following information:***

- A. A vicinity map, including north arrow, showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways.
- B. The name, address, and telephone numbers of the property owner.
- C. The proposed name of the development, street names, the names of adjoining subdivisions or property owners.
- D. The boundary, as determined by survey, of the area to be developed with all bearings and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, perennial streams, wetlands, easements or other significant features of the tract.
- E. Site calculations including total acreage of tract, acreage in recreational open space and other non-residential uses, total number and acreage of parcels, the total number of housing units, parking calculations, etc.
- F. Original and proposed contours at intervals of not greater than 2 feet for the entire area to be subdivided/developed and extending into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property

and 10 feet at all other points of common project boundaries. Rowan County or City of Salisbury digital topography may be used to satisfy this requirement for original contours but should be field-verified to ensure accuracy. This requirement may be waived by the Administrator for developments smaller than one (1) acre or where insufficient topographic changes warrant such information.

- G. Scale denoted both graphically and numerically.
- H. Certification statements.
- I. Date of plan preparation.
- J. Zoning classification of the tract to be developed and of adjacent properties.
- ✓ K. Building ~~elevations~~ Design Plans (Section 16.12) shall be required of all Major Site Plans, but not of subdivisions (commercial or residential).
- L. The location of:
 - 1. proposed buildings
 - 2. parking and loading areas
 - 3. streets and alleys with dimensions
 - 4. proposed utility, association, and/or other easements including existing easements
 - 5. lots
 - 6. parks or other recreational open space
 - 7. site reservations (i.e. school sites)
 - 8. property lines and building setback lines
 - 9. tentative lot dimensions
 - 10. building restriction areas (i.e. flood hazard areas, buffer locations, watershed protection districts, and/or jurisdictional wetlands).
- M. Identify if any portion of the development is within the Watershed Protection Area per the Watershed Protection requirements of Section 6.6.
- N. The following NPDES Phase II Storm Water requirements per Section 6.7:
 - 1. identify number of dwelling units per acre
 - 2. identify percent of built-upon area
 - 3. identify whether project is High or Low Density

*Plat Certification
Process for
recording plat*

3. Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements.

☐ I hereby certify that all streets, utilities, and other required improvements have been installed in an acceptable manner and according to City of Salisbury Specifications and Standards.

OR

☐ I hereby certify that a guarantee of the installation of the required improvements in an amount and manner satisfactory to the City of Salisbury has been received.

_____, 20____ (Seal)
Date City Clerk, City of Salisbury

4a. Certificate of Approval for Recording Plat and Acceptance of Dedications: I do hereby certify that on the _____ day of _____, 20____, the City Council of the City of Salisbury approved this plat for recording and accepted the dedication of the streets, easements, rights-of-ways and public parks and other sites for public purposes as shown hereon, but assumes no responsibility to open or maintain the same until, in the opinion of the governing body of the City of Salisbury, it is in the public interest to do so.

_____, 20____ (Seal)
Date City Clerk, City of Salisbury

OR

(The following certificate shall appear on all plats which do not meet the definition of subdivision as defined in this Ordinance, but which need approval from the City for recording at the Rowan County Register of Deeds Office. This Certificate is to be used in lieu of 4a. above.)

4b. Certificate of Approval for Recording. I hereby certify that ~~(the subdivision plat shown is exempt from the subdivision provisions of the Salisbury Land Management and Development Ordinance)~~ OR ~~(this is a map for recordation and does not constitute a subdivision of land)~~. The plat has been found to comply with the regulations of the Salisbury Land Management and Development Ordinance, and has been approved by the City of Salisbury for recording in the Office of the Register of Deeds of Rowan County.

_____, 20____ (Seal)
Date City Clerk, City of Salisbury Subdivision
Administrator